



US Army
Corps of Engineers
Louisville District ®

Public Notice

Public Notice No.
LRL-2017-899-mdh

Open Date:
19 Mar 2018

Close Date:
18 Apr 2018

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Michael Hasty, CELRL-RDN, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6676

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: Ashley Commercial Group LLC
3005 Dixie Highway
Edgewood, Kentucky 41017

AGENT: O'Brien & Gere
8805 Governor's Hill Drive, Suite 164
Cincinnati, Ohio 45249

LOCATION: Streams and wetlands located within an 84.9-acre parcel near Villa Hills in Kenton County, Kentucky.

Latitude: 39°-03'-47" (N)
Longitude: 84°-36'-11" (W)
7.5 Minute Quad: COVINGTON, KENTUCKY

PURPOSE: Residential development.

DESCRIPTION OF WORK: The applicant proposes to construct a residential housing complex consisting of 191 single-family homes, 35 townhouses, 28 cottages, a multi-story apartment complex, 2 mixed-use commercial buildings, 2 park areas, a stormwater management pond, as well as appurtenant road infrastructure and utilities (see attached *Figures 1-4*). To facilitate this new development, the applicant proposes to impact approximately 755 linear feet of four (4) stream channels and 2.10 acres of six (6) wetlands (see *Tables 1 & 2*). Under the proposal, these waters would be filled with 32,737 cubic yards of clean earthen fill material excavated on-site.

Table 1: Proposed Wetland Impacts

Water ID	Type	Impact/Activity	Impacts	
			Length (ft)	Area (ac)
Wetland A	Emergent	Fill/Structure	N/A	0.90
Wetland B	Scrub-Shrub/Emergent	Fill/Structure	N/A	0.10
Wetland C	Emergent	Fill/Structure	N/A	0.10
Wetland D	Emergent	Fill/Roadway	N/A	0.30
Wetland E	Emergent	Fill/Structure	N/A	0.40
Wetland F	Emergent	Fill/Structure	N/A	0.30
Total Proposed Wetland Impacts:				2.10

Table 2: Proposed Stream Impacts

Water ID	Type	RBP Score/Quality	Impact/Activity	Impacts	
				Length (lf)	Area (ac)
Stream 1A	Intermittent	Marginal	Fill/Structure	265	N/A
Stream 1B	Intermittent	Marginal	Fill/Structure	13	N/A
Stream 2C	Intermittent	Marginal	Fill/Structure	240	N/A
Stream 3	Ephemeral	Marginal	Fill/Structure	237	N/A
Total Proposed Stream Impacts:				755	

AVOIDANCE AND MINIMIZATION MEASURES: The applicant did consider design alternatives within the 84.9-acre parcel to reduce impacts. Specifically, through design changes, portions of Wetland B (0.30 acre) and E (0.10 acre) would be avoided. Further, Wetland G (0.10 acre) would be avoided completely. With regard to stream avoidance and minimization, the applicant was able to reduce impacts to Stream 1B by 110 linear feet. Further, Stream 1C (179 linear feet), Stream 2A (622 linear feet), Stream 2B (198 linear feet) and Stream 4 (71 linear feet) would be completely avoided. Additional avoidance and minimization measures were constrained by the overall size of the subject parcel and the wide dispersion of waters within it.

MITIGATION MEASURES: The applicant proposes to provide compensation for the unavoidable wetland impacts associated with this project through the purchase of 3.2 wetland credits from the Northern Kentucky Mitigation Bank and 1.2 wetland credits from the Northern Kentucky University's In-Lieu Fee Stream and Wetland Restoration Program (NKU-ILF).

With regard to unavoidable ephemeral stream impacts, the applicant proposes to construct 237 linear feet of stormwater drainage infrastructure onsite (see attached *Figure 4*). To compensate for the unavoidable intermittent stream impacts, the applicant proposes to purchase 622 intermittent stream Adjusted Mitigation Units (AMUs) from the NKU-ILF.

It is noted that this proposed mitigation plan is open to comment and subject to change. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the

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proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 C.F.R. Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to: Mr. Michael Hasty, CELRL-RDN at the address noted above and should refer to the Public Notice Number LRL-2017-899-mdh.

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If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2017-899-mdh.

Example: LRL-2017-899-mdh (subject)

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

PLOTDATE: 07/13/17 Sturgite

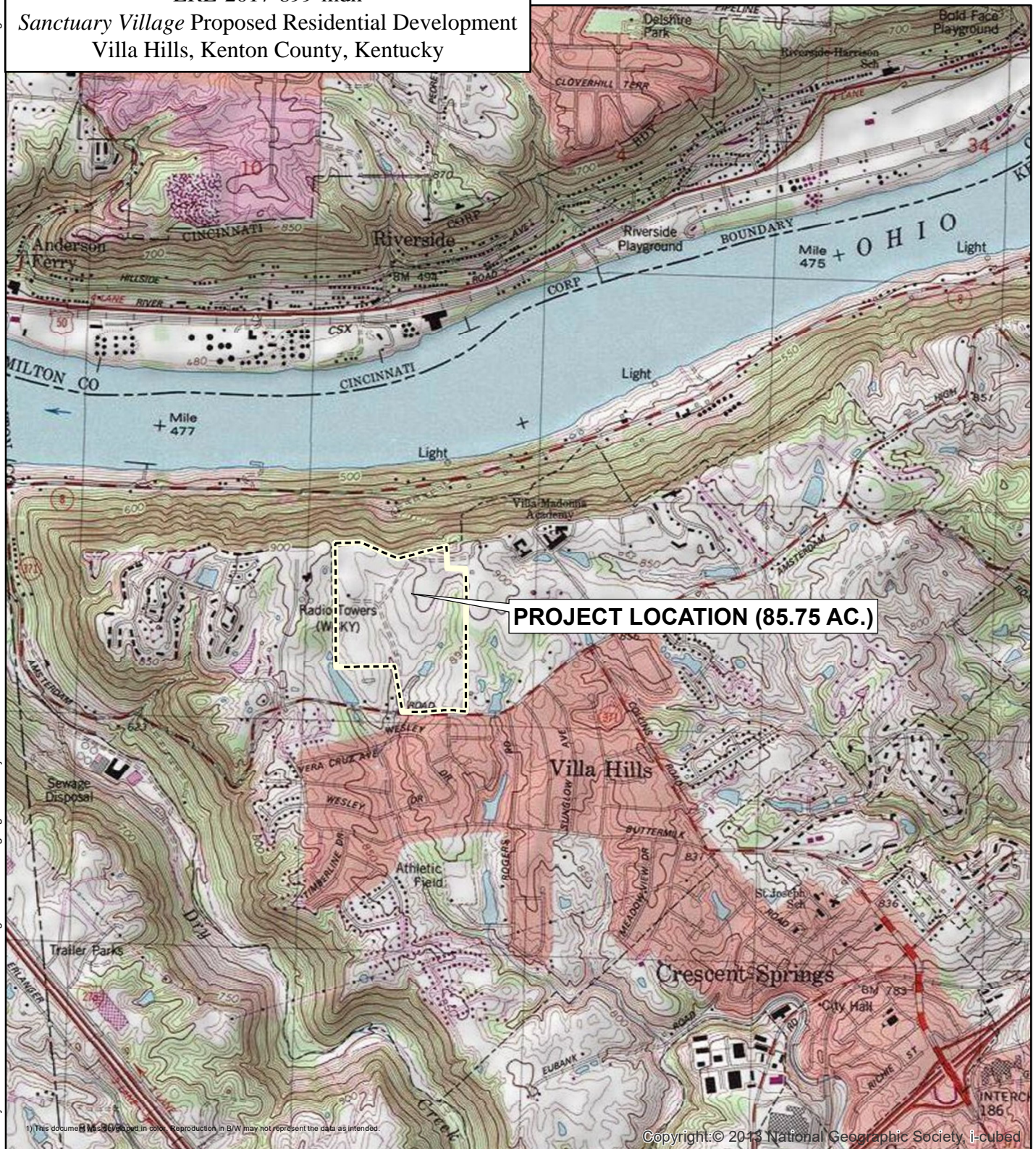
I:\Ashley-Cons.31179\STDS\GIS\St-Walburg\MXD\Permitting\Figure 1 - Project Location.mxd

Figure 1

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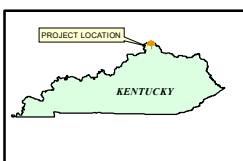
Sanctuary Village Proposed Residential Development
Villa Hills, Kenton County, Kentucky

FIGURE 1



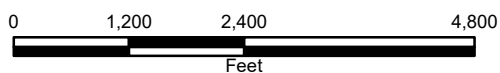
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SANCTUARY VILLAGE
AMSTERDAM ROAD
VILLA HILLS, KENTON COUNTY, KENTUCKY

PROJECT LOCATION



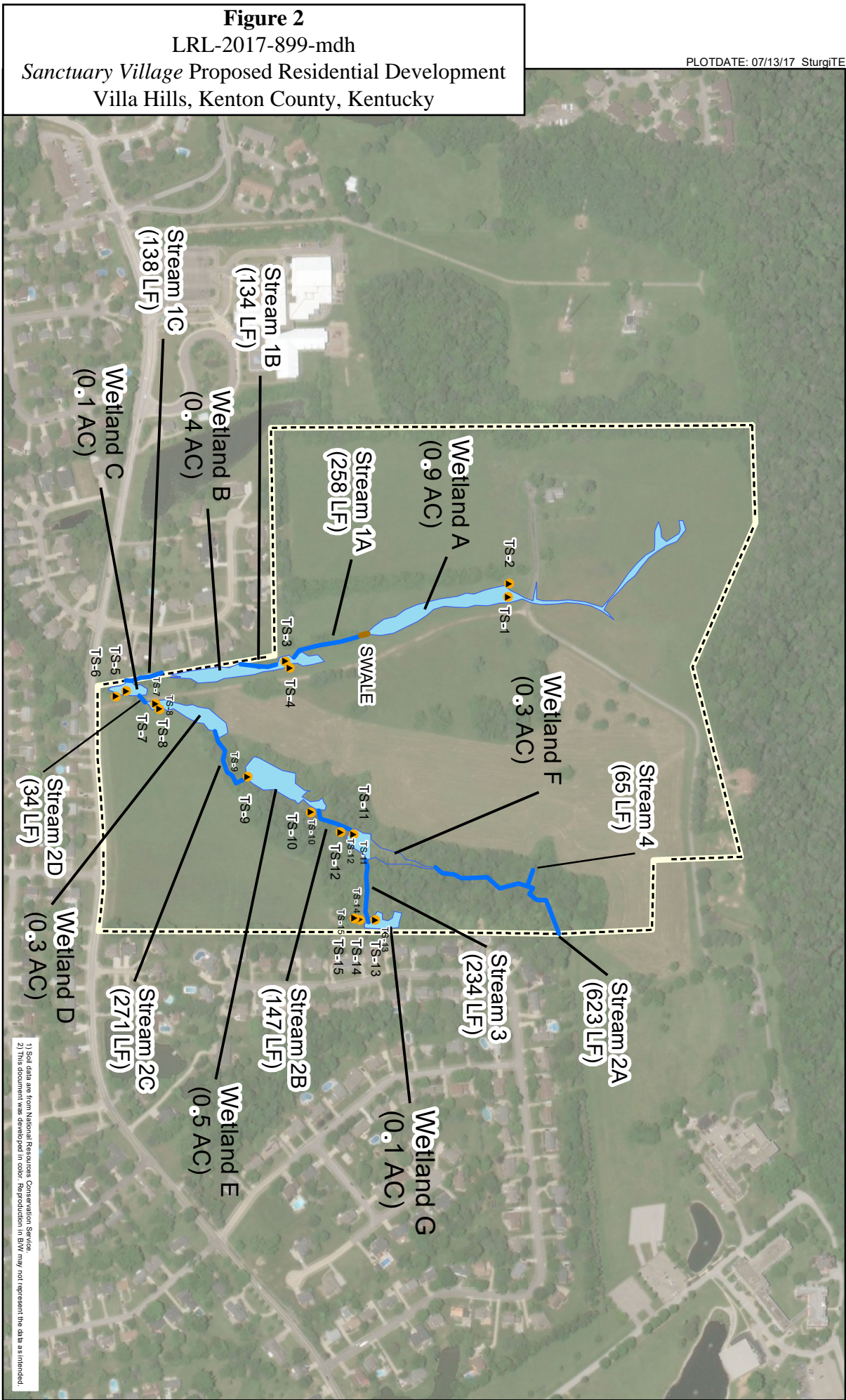


Figure 3

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Sanctuary Village Proposed Residential Development
Villa Hills, Kenton County, Kentucky



PLOTDATE: 12/21/17 Sturge

I:\Ashley-Cons.31179\STD\GIS\St-Walburg\MXD\Permitting\Figure 3 - Site Vicinity.mxd



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LEGEND

-  Kenton County boundary
-  Site boundary

SANCTUARY VILLAGE
AMSTERDAM ROAD
VILLA HILLS, KENTON COUNTY, KENTUCKY

SITE VICINITY



